PART IV

SECTION—1-B

CENTRAL ACTS AND ORDINANCES

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 83 LCA 1975

Bangalore, dated 30th September/3rd October 1975

Ordered that the Election Laws (Extension to Sikkim) Ordinance, 1975 (No. 9 of 1975) published in Part II Section I of the *Gazette of India* Extraordinary, dated 9th September 1975 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,
Under Secretary to Government,
Deptt. of Law and Parly. Affairs.

THE ELECTION LAWS (EXTENSION TO SIKKIM) ORDINANCE, 1975

No. 9 OF 1975

Promulgated by the President in the Twenty-sixth Year of the Republic of India.

An Ordinance to provide for the extension of the Representation of the People Act, 1950 and the Representation of the People Act, 1951, to the State of Sikkim.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:–

1 (*1*) **Short title and commencement** :—This Ordinance may be called the Election Laws (Extension to Sikkim) Ordinance, 1975.

(*2*) It shall come into force at once.

2 (*1*) **Extension and amendment of election laws :—** The Acts mentioned in the Schedule are hereby extended to, and shall be in force in the State of Sikkim.

(*2*) With effect from the commencement of this Ordinance, the Acts mentioned in the Schedule shall be amended as specified therein.

(*3*) Any reference in the Acts mentioned in the Schedule to a law not in force, or to a functionary not in existence, in the State of Sikkim shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State:

Provided that if any question arises as to who such corresponding functionary is, or if there is no such corresponding functionary, the Central Government shall decide as to who such functionary will be and the decision of the Central Government shall be final.

THE SCHEDULE
(*See* section 2)

THE REPRESENTATION OF THE PEOPLE ACT, 1950
(43 OF 1950)

Section 7A.—After section 7, insert :—

"7A. (*1*) **Total number of seats in the Legislative Assembly of Sikkim and Assembly constituencies :** Notwithstanding anything contained in section 7, in the Legislative Assembly of the State of Sikkim [deemed under the Constitution (Thirty-sixth Amendment) Act, 1975 to be the Legislative Assembly of that State duly constituted], the total number of seats to be filled by persons chosen by direct election from Assembly constituencies shall be 32.

(*2*) Every Assembly constituency referred to in subsection (*1*) shall be a single-member constituency.

(*3*) In the Legislative Assembly so deemed to be duly constituted, the extent of each constituency and the reservation of seats shall be as provided for immediately before the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975".

Section 25A.—In Part III. after section 25, insert :—

"25A. **Conditions of registration as elector in Sangha constituency in Sikkim** :—Notwithstanding anything contained in sections 15 and 19 for the Sangha constituency in the State of Sikkim, only the Sanghas belonging to monasteries, recognised for the purpose of the elections held in Sikkim in April, 1974, for forming the Assembly for Sikkim, shall be entitled to be registered in the electoral roll, and the said electoral roll shall, subject to the provisions of sections 21 to 25, be prepared or revised in such manner as may be directed by the Election Commission, in consultation with the Government of Sikkim.

The First Schedule.—In the First Schedule, under the heading "I. STATES", after serial number 15 and the entries relating therto, insert :—

"15A. Sikkim 1

THE REPRESENTATION OF THE PEOPLE ACT, 1951
(43 OF 1951)

Section 4.—In section 4, omit "and" at the end of clause (*cc*) and after that clause, insert :—

"(*ccc*) in the case of the seat allotted to the State of Sikkim, he is an elector for the Parliamentary constituency for Sikkim,"

Section 5A.—After section 5, insert :—

"5A. **Qualifications for membership of Legislative Assembly of Sikkim.**—Notwithstanding anything contained in section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of Sikkim (deemed to be the Legislative Assembly of that State duly constituted under the Constitution) unless—

(*a*) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any Assembly constituency in the State other than the constituency reserved for the Sanghas ;

(*b*) in the case of a seat reserved for Sikkimese of Nepali origin, he is a person of Nepali origin and is an elector for any Assembly constituency in the State ;

(*c*) in the case of a seat reserved for Scheduled Castes, he is a member of any of the castes specified in the Representation of Sikkim Subjects Act, 1974 and is an elector for any Assembly constituency in the State ; and

(*d*) in the case of a seat reserved for Sanghas, he is an elector of the Sangha constituency."

Section 12A.—After section 12, insert :—

"12A. **Notification for election to fill the seat allotted to the State of Sikkim in the Council of States**—For the purpose of filling for the first time the seat allotted to the State of Sikkim by the Constitution (Thirty-sixth Amendment) Act, 1975 in the Council of States, the President shall, by a notification published in the Gazette of India, on such date as may be recommended by the Election

Commission, call upon the elected members of the Legislative Assembly of the State of Sikkim to elect a member in accordance with the provisions of this Act and of the rules and orders made thereunder and the election so held shall for all purposes and intent be deemed to have been held under section 12."

Section 14A.—After section 14, insert:—

14A. **Notification for electing the representative of the State of Sikkim to the existing House of the People.**—For the purpose of electing a representative of the State of Sikkim to the House of the People, specified in clause (*e*) of article 371 F of the Constitution, the Election Commission shall call upon the members of the Legislative Assembly of the State of Sikkim to elect the representative in accordance with such of the provisions of this Act, and the rules and orders made thereunder, as are applicable to the election of the members of the Council of States.".

Section 33.—In section 33, after sub-section (*1*), insert:—

"(*1A*) Notwithstanding anything contained in sub-section (*1*), for election to the Legislative Assembly of Sikkim (deemed to be the Legislative Assembly of that State duly constituted under the Constitution), the nomination paper to be delivered to the returning officer shall be in such form and manner as may be prescribed:

Provided that the said nomination paper shall be subscribed by the candidate as assenting to the nomination, and—

(*a*) in the case of a seat reserved for Sikkimese of Bhutia-Lepcha origin, also by at least twenty electors of the constituency as proposers and twenty electors of the constituency as seconders;

(*b*) in the case of a seat reserved for Sanghas, also by at least twenty electors of the constituency as proposers

and at least twenty electors of the constituency as seconders ;

(c) in the case of a seat reserved for Sikkimese of Nepali origin, by an elector of the constituency as proposer :

Provided further that no nomination paper shall be delivered to the returning officer on a day which is a public holiday.".

Section 34.—In section 34, in sub-section (*2*), for "under sub-section (*1*) of section 33", substitute "under sub-section (*1*) or, as the case may be, sub-section (*1A*) of section 33".

Section 35 —In section 35, for "under sub-section (*1*)", substitute "under sub-section (1) or, as the case may be, sub-section (*1A*)".

FAKHRUDDIN ALI AHMED,
President.
9-9-1975

K. K. SUNDARAM,
37 Secretary to Government of India.

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PART IV

Section 1-C

GENERAL STATUTORY RULES AND STATUTORY ORDERS ISSUED BY THE CENTRAL GOVERNMENT AND ORDERS MADE BY THE PRESIDENT AND REPUBLISHED BY THE STATE GOVERNMENT.

ERRATA

For the words " to the Election Commission of India " below the name V. Nagasubramanian, published on page Nos. 215-216 in Part IV-1C of the Gazette dated 28th August 1975. The words, " Secretary to the Election Commission of India " may be read.

23-A *Compiler.*

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